*THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE G.BHAVANI PRASAD

+Taken up Writ Petition No.26786 2006

%Date: 02-01-2007

#Between:

Nandipati Seetharamaiah,
S/o. Tataiah,
R/o. 2nd Line, Srinagar,
Guntur – 2.
... Petitioner/s

And

The Inspector of Police,
Central Crime Station, Guntur,
Guntur District and others.
... Respondent/s

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! Counsel for Petitioner: ---

^Counsel for Respondents: Addl.G.P. for Home, representing the Advocate General.

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? Cases referred

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ORAL ORDER: **(per the Hon'ble Sri Justice G.Bhavani Prasad)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. On the letter, dated 11-12-2006, received from Sri Nandipati Seetharamaiah, resident of Srinagar, Guntur District, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that the Inspector of Police, Central Crime Station, Guntur, and his staff entered into his house on the night of 04-12-2006 and forcibly took him away to the Old Guntur Police Station and also took away four gold rings and cash of Rs.8,000/- and thereafter took him to Pedakakani Police Station and released him from the police custody only on 11-12-2006, the matter is taken up by this Court. The petitioner further complains that the police took away nine cycles from his house and he also enclosed a copy of the telegram sent by his wife to the Director General of Police, when he was in illegal detention.

3. In response to the notices issued by this Court, the Inspector of Police, Central Crime Station, Guntur, has filed

a counter-affidavit stating that Crime No.803 of 2006 was registered on the complaint by one Sri Kolagani Prasada Rao, resident of Christianpet, Old Guntur regarding the theft of cycles and during the course of investigation, one Sri Katari Siva Sankara Rao was arrested and interrogated. The said arrestee confessed committing of not only this crime, but also the offences involved in Crime No.769 of 2006 of Lalapet Police Station; Crime Nos.785 and 787 of 2006 of Old Guntur Police Station; Crime No.791 of 2006 of Nagarampalem Police Station; and Crime No.788 of 2006 of Pattabhipuram Police Station, along with one Sri Yaddanapudi Auri Mariya Raju. The arrestee also confessed that the stolen property of 11 cycles and one cylinder was sold to the petitioner for cash. The other offender was also arrested from whom gold and silver worth Rs.3-00 Lakhs were recovered by the Detective Sub Inspector of Police of Pattabhipuram Police Station on
26-12-2006, and he also confessed that himself and Katari Siva Sankara Rao sold the stolen property i.e., cycles, gold, silver and electrical goods to the petitioner for cash. The petitioner, who is the receiver of the stolen property, was absconding since the date of arrest of the other accused. He further stated that the petitioner, obviously, sent the petition, dated 11-12-2006, as a precautionary measure to prevent the police from taking any action. He also further stated that, in fact, a suspect sheet and history sheet were opened against the petitioner by Arundalpet Police as long back as 13-01-1979, which is continued upto date and that the petitioner is a habitual receiver of stolen property and popularly called as ‘Takatla Seetharamaiah’. The

allegations made against the police about the alleged raid on 04-12-2006, taking away of four gold rings and cash of Rs.8,000/- and releasing him on 11-12-2006 are all false. He also stated that the petitioner is required in the above-referred crimes and to evade arrest, he sent this petition.

4. There is ostensibly no reason to suspect the bonafides of the Inspector of Police, Central Crime Station, Guntur, who, in discharge of his official duties, as a Public Servant, is bound to cause effective investigation into the crimes and his suspicions about the petitioner's involvement in the crimes, referred to above, are, *prima-facie*, corroborated by the alleged confessions of the two culprits involved in the theft cases. While the allegations of the police taking away four gold rings, cash of Rs.8,000/- and

9 cycles from the petitioner's house are denied and while there is no reason to reject outright the involvement of the petitioner in the said crimes, it cannot be said that the police attempted to apprehend the petitioner for no justifiable reason, when he was recorded as a habitual receiver of stolen property in the police records since 1979. The probabilities, apparent from the manner of allegations of the petitioner and the explanation therefor by the Inspector of Police, are clear that the petitioner is trying to gain undue advantage by moving this Court, in advance, before the police take concrete action, as per law, against him pursuant to the confessional statements of the accused in the theft cases. This clearly appears to be a glaring instance of abuse of the process of law to forestall the law taking its own course against the petitioner for his alleged

involvement in the crimes. The petitioner, therefore, should fail, regardless of the truth or otherwise of the allegations in the writ petition. The truth or otherwise of the allegations will be enquired into and decided by the appropriate Court in appropriate proceedings. As such, without drawing any conclusions on the questions of fact, the writ petition has to be dismissed and while so dismissing, the petitioner should be burdened with costs also, to prevent recurrence of any such frivolous litigations.

5. The writ petition is accordingly dismissed, at the stage of admission, with costs.

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JUSTICE D.S.R.VARMA

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JUSTICE G.BHAVANI

PRASAD
02-01-2007.
Msr.

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(Msr)